

# HOUSE BILL No. 1725

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-22.5-10; IC 8-4-10-8; IC 8-6-4-2.

**Synopsis:** Revision of utilities law. Eliminates references to the 1971 Indiana Code in provisions concerning utilities law.

**Effective:** July 1, 2001.

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**Saunders, Grubb**

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January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1725

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-1-22.5-10 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. Whenever in this  
3       chapter it is provided that the Commission shall take any action or  
4       issue any order "upon notice and after opportunity for public hearing"  
5       such notice shall be given as provided in IC ~~1971~~, 8-1-1-8 and such  
6       hearing shall be held and conducted in the manner as prescribed by  
7       IC ~~1971~~, 8-1-2-54 through IC 8-1-2-72.

8       SECTION 2. IC 8-4-10-8 IS AMENDED TO READ AS FOLLOWS  
9       [EFFECTIVE JULY 1, 2001]: Sec. 8. It shall be lawful for any such  
10      person or persons, or company, or owner, or owners, or their lessees as  
11      referred to in ~~IC 1971, 8-4-10-1~~ **section 1 of this chapter** to construct  
12      such lateral railroad across public highways or roads. This chapter is  
13      to apply to all such lateral railroads and highway or road crossings  
14      presently planned, under construction, previously constructed, or to be  
15      constructed in the future. Said person, or persons, or company, or  
16      owner, or owners, or their lessees, shall comply with all laws or  
17      regulations of the State of Indiana, or any agency thereof, concerning

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the location, construction, or maintenance of such railroads or crossings of public highways or roads.

SECTION 3. IC 8-6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. Every engineer or other person in charge of or operating any such engine, who shall fail or neglect to comply with the provisions of section 1 of this chapter, shall be held personally liable therefor to the State of Indiana, in a penalty of not less than ten dollars ~~(\$10.00)~~ **(\$10)** nor more than fifty dollars ~~(\$50.00)~~, **(\$50)**, to be recovered in a civil action, at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located; and a railroad company that violates the provisions of ~~IC 1971, 8-6-4-1(b)~~ **section 1(b) of this chapter** shall be held liable therefor to the State of Indiana, in a penalty of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000), to be recovered in a civil action, at the suit of said state, in the circuit or superior court of any county wherein such crossing may be located; and the company in whose employ such ~~engineer~~ **engineer** or person may be, as well as the person himself, shall be liable in damages to any person, or his representatives, who may be injured in property or person, or to any corporation that may be injured in property, by the neglect or failure of said engineer or other person as aforesaid.

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